MR. PUTHUPLLI S. KRISHNA PILLAI: I move, Sir, that the Bill be referred to a Select Committee consisting of Messrs :—

1 E. Subramonia Aiyar
2 M. Ramiah Pillai
3 P. Sivarama Pillai
4 Codiveettil C. Ramankunju
5 R. Narayanan Namboothiri
6 Thamarapalli Kochuthommen
7 T. T. Kesava Sastri
8 Sahib Bahadur N. M. Mohamed Abdul Kadir
9 M. R. Narayana Pillai
10 K. P. Kochukoratharakan
11 K. C. Karunakaran and
12 M. L. Janardhanan Pillai

MR. A. GOPALA MENON: I second it.

The question that the bill be referred to the Select Committee was put to vote and carried.

THE TRAVANCORE SUPPRESSION OF IMMORAL TRAFFIC BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to introduce the Travancore Suppression of Immoral Traffic Bill. This simple measure is intended to combat one of the growing evils in the State. At any rate, early precautions are taken for the purpose of preventing any such evil taking a stronghold in this State also.

MR. P. SIVARAMA PILLAI: May I know whether there is any immoral traffic going on here?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir, sufficient to engage the attention of the Government and to induce them to come forward with such a legislation.

MR. PADIYARA JOSEPH KUNJU: പലയിടത്തും നടക്കുന്നു എന്നല്ലാതെ എവിടെ നടക്കുന്നു എന്നോ എത്രനടക്കുന്നു എന്നോ മെമ്പർക്കു പറയാൻ കഴിയുമൊ?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, Sir. Government afairs are being managed through their officers and there is a strong net-work of officers, whose duty it is to investigate such matters and to keep Government informed of all the evils that are rampant or are developing in the state.

MR. PADIYARA JOSEPH KUNJU: ഇങ്ങനെ ഒരു നിയമം പാസാക്കേണ്ടതു് അത്യാവശ്യമാണെന്നു ഗവണ്മെന്റിനു ബോദ്ധ്യപ്പെട്ടിട്ടുണ്ടൊ?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir. It is growing and Government are satisfied that they should take steps to prevent its growth in Travancore. Government have reliable information. The honourable member may rest assured that Government will not bring forward such a measure without sufficient grounds.

MR. M. SIVATHANU PILLAI: I rise to a point of order, Sir

MR. PUTHUPALLI S KRISHNA PILLAI: Every member has an opportunity to make a speech on the bill. I request the honourable members not to interrupt me unnecessarily.

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MR. M. SIVATHANU PILLAI: May I know whether Government have any intention of introducing a prohibition measure, say for example, the prohibition of drinking intoxicants. That is also a growing evil and that should be suppressed.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I am surprised to hear honourable members putting the evil of prostitution on the same basis as the evil arising from taking intoxicating drinks. It is not by prostitution or by keeping brothels that one should earn his bread. There is some misapprehension about the purport of this Bill. People think that Government are trying to prohibit prostitution altogether. If any person in Travancore wants to live any kind of life, committing any excess on the sexual side, this Bill does not stand in his way. Prostitution as envisaged in this Bill is different from adultery or any other kind of sexual intercourse. It does not propose or purport to prevent men seducing women or women from seducing men. It does not deal with that aspect of the social problem at all. It is aimed at certain classes of people who however innocent-looking they may be, establish or try to establish what is commonly understood as brothels. Ofcourse, you may say that brothels of the kind found in Bombay or Madras will not be found here. That may be true, but procuration is resorted to as a measure of making a living and it brings into existence a class of women who sell their body for a price—

MR. P SIVARAMA PILLAI: May I know from the member what are the statistics in the possession of the Government which have made Government to come to such a conclusion?

MR. PUTHUPALLI S. KRISHNA PILLAI: By statistics am I to understand the Government statistical publication?

MR. KAINIKKARA M. PADMANABHA PILLAI: In the objects and reasons it is stated on two occasions that from the information in the possession of Government, Government have come to this conclusion. We want to know what is the nature of the information, so that we may also come to the same conclusion.

MR. PUTHUPALLI S. KRISHNA PILLAI: One is the public health statistics. They show how venerial diseases increase from year to year. The other is the report furnished by the Criminal Intelligence Department.

MR. KAINIKKARA M. PADMANABHA PILLAI: We would like to have those information and statistics.

MR. PUTHUPALLI S. KRISHNA PILLAI: Government have their own agents in collecting the statistics. The brothels are places which, the honourable members would concede, ordinarily attract police attention after a certain stage. These are places where stolen properties are safely secreted. These are places where drunken brawls are frequent. These places are within the peculiar jurisdiction and scrutiny of the Police Department which unlike all other departments could get the best information about this matter.

MR. KANNAMTHODATH JANARDANAN NAIR: Can the honourable member give the approximate number of professional prostitutes?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes. There are not less than 100 houses particularly within the municipal area which have been brought within the Police Register. However I am not going to give details. All that I can say is that the necessity is imminent.

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MR. K. P. KOCHUKORA THARAKAN: ഈ ആക്ട് മുസിനിപ്പൽ അതു ത്തികാരംക്കുള്ളിൽ മാത്രമേ നടപ്പിൽ വരുത്തുകയുള്ളോ? വെളിയിലും ഇല്ലേ?

MR. PUTHUPALLI S. KRISHNA PILLAI: വെളിയിലും ആകാം. അതും ഈ ആക്ടിൽതന്നെ പറയുന്നുണ്ട്. മുനിസിപ്പാലിറ്റിയിൽമാത്രം ഈ നിയമം നടപ്പിൽ വരുത്തിയാൽ എല്ലാപേരുംകൂടി നാടുകളിൽ പോയി താമസിക്കാൻ തുടങ്ങും. അതിലും വിഷമം ഉണ്ടാകും.

MR. PADIYARA JOSEPH KUNJU: സർ, ഇങ്ങനെ ഒരു ആക്റ്റ് ഇവിടെ പാസാക്കുകയാണെങ്കിൽ പരമാർത്ഥത്തിനു വിപരീതമായി ഇവിടെ ധാരാളം വ്യഭിചാരങ്ങൾ നടക്കുന്നുണ്ടെന്നുള്ള ഒരു തോന്നൽ പുറത്തുള്ളവർക്കു ഉണ്ടാകയില്ലയോ?

MR. PUTHUPALLI S. KRISHNA PILLAI: No. There is no room for sentiment. We must face facts as they are.

MR. P. SIVARAMA PILLAI: Is the honourable member aware that there is a class of people who do not think that this is an evil at all?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes. But I disagree with them.

MR. KAINIKKARA M. PADMANABHA PILLAI: I wish to know what are the statistics.

MR. PUTHUPALLI S. KRISHNA PILLAI: I said that there are more than hundred houses cattered throughout the municipal areas, where this sort of immoral traffic is being carried on. I cannot point out the houses if I am asked to do so. Government are satisfied that there are very cogent and convincing reasons in support of this undertaking. That is only one aspect of the problem, Sir. The Public Health Reports from year to year show that gonorreah and syphilis, two kinds of venereal diseases are on the increase. The very keen and strenuous efforts made by the Public Health Department and the Medical Department have not enabled Government to keep down the spread of these diseases and from the enquiry and the report of medical evidence that we have, we find that the prostitute is the main agent for the distribution of these diseases. That is why I referred to that aspect of the problem also. If honourable members entertain any doubt on the matter they might refer to any medical man whom they know and in whom they have confidence, who will tell them their experience in Trivandrum. The system of licensing brothels adopted in so many countries has been a failure.

MR. KAINIKKARA M. PADMANABHA PILLAI: But in Bombay and Madras are there licensed brothels even now?

MR. PUTHUPALLI S. KRISHNA PILLAI: No Sir.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAINIKKARA M. PADMANABHA PILLAI: Does the member think the Police will be able to deal with the problem?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes Sir. Policemen have to deal with this offence. The Police Officer will deal with it as an officer who is expected to deal with it as an offence. We expect the Police officer to be honest.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is there any one admitting murder?

MR. PUTHUPALLI S. KRISHNA PILLAI: When a person is guilty of an offence then the Policeman comes in. Only then he becomes the Police subject.

MR M. SIVATHANU PILLAI: Why not some medical officers be deputed for this work?

MR. PUTHUPALLI S. KRISHNA PILLAI: They have got more responsible work and they cannot attend to this work of running after prostitutes.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Was there a similar Bill attempted to be introduced in the Legislative Assembly some years back?

MR. PUTHUPALLI S. KRISHNA PILLAI: As far as I know, no such Bill was introduced in the House before. Some of the provisions in the Bill were attempted to be introduced in the Travancore Penal Code. It was found that such an attempt was premature and matter was dropped by the Select Committee. The House accepted the opinion of the Select Committee and the proposal was dropped.

MR. KAINIKKARA M. PADMANABHA PILLAI: Sir, I oppose the principle of the Bill. I oppose it mainly on one ground. I am not convinced of the necessity for introducing a Bill of this nature in this country. In the statement of objects and reasons supplied to us along with the Bill, we are told that "the absence of such a law is, according to reports in the possession of Government, being taken advantage of by persons outside the State who are tempted to settle down here." Again it is stated—

"Government are satisfied, after a study of the Public Health statistics and investigations made on the basis of such statistics that apart from decency and public morality, at least on grounds of public health, it is imperative that steps should be taken to deal with such prostitution."

Hence the Bill. We are told that Government are in possession of reliable information regarding the existence of brothels in the State and also of the fact that the absence of satisfactory statutory provisions is a temptation to outsiders to settle down in Travancore for immoral traffic, and that the statistics connected with public health show the prevalence and the increase of venereal complaints which necessitate immediate preventive steps. To put it shortly, I am not convinced of any of these facts. And, as a member in this House, I cannot be a party to this legislation before I am convinced of this. Mr. Velayudhan

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Pillai asked the mover whether there was not an attempt to introduce a similar legislation some time ago. Of course, the Bill then introduced was not under this name. But it was for this purpose. The Bill was, in the form of an amendment to the Criminal Law of the land and it contained among its provisions, provisions against brothels and the result of the discussion in the House at that time was that all provisions in the amendment except those relating to brothels were accepted. The Bill then could be divided into three portions. One portion was to prevent traffic of minor girls, the carrying of minor girls,for immoral purposes. Another portion was to prevent the importation of non-Indians into Travancore, and the third portion was to prevent the existence of brothels. After a long discussion, the first two portions were accepted and the last portion, namely, the clauses pertaining to the prevention and penalising of brothels, was rejected. I may say, Sir, that when referring the Bill to the Select Committee, the then Law Member gave a promise in advance that the Government would not move an amendment after the Select Committee stage was over. It was also worth noting that the member who began the opposition on that day was no less a gentleman than the late Mr. Krishna Aiyangar, the then Deputy-President of the Council. A more respectable and respected citizen is very rarely to be thought of in Travancore. It was he who opposed the Bill, and his opposition was most strongly centred against the inclusion of the clauses for the prevention of brothels in Travancore. I may just read one or two sentences from what he said.

> "Sir, a piece of legislation in the Statute Book is often an index of the culture and the morality of the people Suppose we place this on the Statute Book of Travancore, what would that indicate? It would mean that the evils sought to be put down by the measure have assumed tremendous proportions, that in the larger interests of the public morality, they have to be put down by means of a Criminal Law Amendment Regulation."

That is certainly an impression that I do not want to spread to places even outside Travancore. Before we make an enactment, especially an enactment which would lead to inferences not creditable to the State, we have to be firmly convinced that this has reached menacing dimensions. The Legal Remembrancer very vaguely told us that there may be about hundred brothels distributed among the various towns in this country. The information he has got is from the Police. Without being unkind to the Police or without questioning the accuracy of the inference drawn from the reports of the Police, I may say, as one who knows Travancore, that I am not aware of a single brothel in this country. I have never been told of the existence of brothels in this country. Police reports are valuable to Government. But news regarding these things are not kept so secret as not to reach the ears of persons in this country. A citizen in this country may not be able to tell the exact number of brothels or the exact location of the brothels in this country, but, any body who is moving in this country must be able to know if there are brothels. I can honestly say that I have never

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kainikkara M. Padmanabha Pillai.]

known of the existence of brothels in this country. There might have been one girl sold one day or there might have been a man who carried a minor girl and sold her morality for consideration. But to say that there are permanent brothels in this country, that immoral traffic has become a public danger, that even the curve of the public health department is becoming more and more menancing year after year is, I think, the result of reliance upon the very high exaggerations built upon Police alarmistic reports. Therefore, Sir, I feel convinced that there is no necessity for the introduction of this Bill at this time.

I may also say one more point. During the discussion which I referred to and which took place ten years ago, the argument put forward by the Law Member at the time was that the situation required a statutory provision and that without that they could not put down immoral traffic. That is the argument placed before us by the Legal Remembrancer today also. But, Sir, I shall give the answer to the Legal Remembrancer in the words of Mr. Puthupalli S. Krishna Pillai. I think Mr. Puthupalli S. Krishna Pillai can best answer the Legal Remembrancer in this matter. What Mr. Puthupalli S. Krishna Pillai says is this—

> "There is no public opinion prevailing in any part of Travancore that brothels exist to any appreciable extent or that the profession of prostitution is being carried on in Travancore to any appreciable extent.....What I am saying is that the provisions of the Police Regulation are quite sufficient so far as our society is concerned. And I would certainly object to any further legislation on this subject."

Because I am not a lawyer, I thought a lawyer's opinion may be best quoted. Therefore, what I want to point out is that the evil is not so prevalent and that the remedy is already there. The evil has not become menacing. And, if there is some slight evil some where, there is the remedy in hand. There is the Police Regulation. In his whole experience as an experienced Advocate, Mr. Puthupalli S. Krishna Pillai has come across only one case. It seems that there was some case of a woman being kept in Quilon for immoral traffic. That was the only case which he has even heard of. If this is the number of cases that has been brought before the courts, if this is the number of brothels which we in Travancore know, and if there is already a provision in the Police Regulation to handle the situation, I am certainly against placing on the Statute Book a legislation which would give the wide world the impression that immoral traffic is the rule of the day in Travancore. Therefore, Sir, I stoutly oppose this motion.

MR. D. C. JOSEPH (*Nominated*) : Sir, after hearing the matured statement of Mr. Padmanabha Pillai, I feel diffident to express my opinion on this important measure which has been introduced in this House by Government. Of all the Bills introduced in this House today, I think, this is the most important, useful and beneficial measure that will save

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Travancore. What is the necessity that prompted Government to introduce this Bill? I suspect that there are two reasons. The over-growth of population in Travancore and the existence of brothels. Population today is more than 60 lakhs. And I think, that no one can deny that there are brothels in the State. I can assure the member that if he ventures to go over to Nagercoil, he could at least see a dozen brothels and the amount of trouble that the citizens of that town are undergoing.

MR. K. NARAYANA PERUMAL NADAR: May I know in which part of Nagercoil those brothels are?

MR. D. C. JOSEPH: Surrounding my house there are a dozen brothels. I do not want to say any thing more on the subject, but I would only say this that the Bill is one which deserves the support of all the honourable members of the House.

MR. PADIYARA JOSEPH KUNJU: മെമ്പറിന്റെ അനുഭവത്തിൽനിന്ന് പറയുന്നതാണോ ഇത്? അതോ കേട്ടുകേൾവി അനുസരിച്ചാണോ?

MR. D. C. JOSEPH: That is what I experience from my living in the midst of brothel houses. It is the experience of others also who are living by my side.

MR. M. SIVATHANU PILLAI: May I know what the member understands by the term 'brothel houses'?

MR. D. C. JOSEPH: I mean the trade of immoral women who are an eye-sore to the younger generation.

MR. K. R. NARAYANAN: ചോദ്യം കേട്ടില്ല.

MR. D. C. JOSEPH: I do not say that population is increasing by keeping brothels alone. This is an important development. Our young men are being spoiled by cinema shows. They are also being spoiled by brothels.

MR. KANNANTHODATH JANARDANAN NAIR: May I know whether the brothels are spoiling the young men?

MR. D. C. JOSEPH: Certainly.

Already there are streets which can be easily picked out as containing brothel houses which are simply tempting. There is no denying that fact. Our young men are being spoiled because of that. That is due to having brothels in towns. We want a healthy younger generation. Our future prosperity will be greater if we pass this legislative act. We hear of known persons making nocturnal visits in villages. Why are they going to such places? Facts are facts. So this House is bound to pass this measure. This measure ought have come in as a non-official legislation. Government have come forward with this laudable legislation. With these words I strongly support the Bill.

MR. PADIYARA JOSEPH KUNJU: ഈ ബില്ലിനെ ഞാനും എതിർക്കുന്നു. എന്റെ ബഹുമാന്യ സ്നേഹിതനായ മി. കൈനിക്കര പത്മനാഭപിള്ള, ഞാൻ ഉൾപ്പെട്ട പാർട്ടിയുടെ നേതാവ്, ഇതിനെ, എന്നാൽ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr Padiyara Joseph Kunju.]

സാധിക്കാത്ത വിധത്തിൽ വിശദമായി ഈ ബില്ല് എതിക്കേണ്ട ആവശ്യകതയെപ്പറ്റി പ്രസ്താവിച്ചു കഴിഞ്ഞു. അതിനാൽ അതു ചർവ്വിത ചർവ്വണം ചെയ്യണമെന്നു ഞാൻ ഉദ്ദേശിക്കുന്നില്ല. ഒരു തിരുവിതാംകൂർകാരൻ എന്ന നിലയ്ക്കു് ഇതിനെ എതിർക്കേണ്ടതാണെന്നാണു് എന്റെ വിശ്വാസം. എന്തിനാണ് ഇങ്ങനെ ഒരു ബില്ല് ഇവിടെ പാസാക്കുന്നതെന്ന് വെളിയിൽ ഉള്ളവർ ചിന്തിക്കുമ്പോൾ അവർക്ക് തിരുവിതാംകൂർ വ്യഭിചാരത്തിന്റെ കൂട്ട ആണോ എന്നുള്ള സംശയത്തിനു ഇടയാകാവുന്നതാണു്.

സർ, പത്മനാഭപിള്ള അവർകൾ പറഞ്ഞതുപോലെ ഇല്ലപോലെയുള്ള ഒരു ബില്ല് ഇതിനു മുൻപു് ഒരവസരത്തിൽ ഉദ്ദേശം പത്തു കൊല്ലത്തിനു മുൻപു് നിയമസഭയിൽ ഹാജരാക്കുകയുണ്ടായി. അന്ന് ഈ മി. പത്തുപ്പള്ളി കുഞ്ഞുപിള്ളയും ഒരു മെമ്പറായിരുന്നു. അന്നത്തെ അദ്ദേഹത്തിന്റെ അഭിപ്രായം ഇപ്പോഴത്തേതിൽ നിന്നു് വിഭിന്നമായിരുന്നു.

MR. M. R. NARAYANA PILLAI (*Tiruvalla*): കാലം മാറിപ്പോയതുകൊണ്ടു് അങ്ങനെ വരാവുന്നതല്ലേ ?

MR. PADIYARA JOSEPH KUNJU: ഇന്നത്തെ അഭിപ്രായം അന്നത്തേതിൽ നിന്നു വിഭിന്നമായിരുന്നു എന്നേ ഞാൻ പറഞ്ഞുള്ളൂ. അതു ശരിയെന്നോ ഇതു തെറ്റെന്നോ ഞാൻ പറഞ്ഞില്ല. അന്നത്തെ ഡപ്യൂട്ടി പ്രസിഡന്റു് ആയിരുന്ന ശ്രീമാൻ കുഞ്ഞുങ്കാർ അവർകളും ഈ ബില്ലിനെ എതിർക്കുകയുണ്ടായി. മി. ഡി. സി. ജോസഫിന്റെ അഭിപ്രായപ്രകാരം ഈ ബില്ലു് പാസാക്കുന്നില്ല എങ്കിൽ ജനസംഖ്യ സീമാതീതമായി വർദ്ധിച്ചുപോകയില്ലേ എന്നു ഭയപ്പെടേണ്ടിയിരിക്കുന്നു. ഞാൻ ഒരു വൈദ്യനല്ലെങ്കിലും എനിക്കു തോന്നുന്നതു് ഇതു പാസാക്കുന്നതു എങ്കിലാണു് അതിനെ ഭയപ്പെടേണ്ടതായുള്ളതു് എന്നാണു്.

MR. M. SIVATHANU PILLAI: ഇതു മെംബറിന്റെ അനുഭവത്തിൽ നിന്നും പറയുകയാണോ ?

MR. PADIYARA JOSEPH KUNJU: എനിക്കു് അനുഭവമില്ല. എങ്കിലും പരിതസ്ഥിതികളും കൊണ്ടുണ്ടായിട്ടുള്ള അറിവു വച്ചുകൊണ്ടു് എനിക്കു പറയുവാൻ കഴിയുന്ന ഒരു അഭിപ്രായം ഇതാണു്.

സർ, ബഹുമാനപ്പെട്ട നിയമനിർമ്മാണസ്മാരക മെംബറിനോടു് ഇവിടെ വ്യഭിചാരിസ്ത്രീകളും എത്രയുണ്ടെന്നു ഞാൻ ചോദിച്ചപ്പോൾ അദ്ദേഹം പറഞ്ഞു പത്തുനൂറു പേർ കാണും എന്നു്. അദ്ദേഹത്തിനു് ഈ കണക്കു് എവിടെനിന്നു കിട്ടി ഇവർ ആരെല്ലാമെന്നു് അദ്ദേഹത്തിനു് പറയുവാൻ കഴിയുമോ ? ഈ വിവരം അദ്ദേഹത്തിനു് കൊടുത്തതാരാണു് ?

LIBRARY ARCHIVES Kerala Legislative Assembly

ഒരു ചെറിയ പോലീസ് റിപ്പോർട്ടിനെ ആസ്പദമാക്കി ആയിരിക്കാം അദ്ദേഹം അതു പറഞ്ഞതു്. നമ്മുടെ ഇപ്പോഴത്തെ പോലീസ് ഇൻസ്പെക്ടർ ജനറൽ ഇവിടെ ചാർജ് എടുത്തു രണ്ടുമാസം കഴിഞ്ഞപ്പോൾ ഗവണ്മെൻറിലേക്ക് ഒരു റിപ്പോർട്ട് എഴുതി അയച്ചു. പടിയറ ജോസഫ് കുഞ്ഞു് എന്നൊരാൾ സ്റ്റേറ്റ് കാൺഗ്രസ്സിനനുകൂലമായി പ്രവർത്തിക്കുന്നുണ്ടെന്നു അതിൽ പറഞ്ഞിരുന്നു.

MR. K. R. NARAYANAN : ആരാണ് അങ്ങനെ എഴുതി അയച്ചതു്

MR. PADIYARA JOSEPH KUNJU: പോലീസ് ഇൻസ്പെക്ടർ ജനറൽ. ഒടുവിൽ ഗവണ്മെൻറ് എന്നോടു് സമാധാനം ചോദിച്ചു. അപ്പോഴാണു് പി. കെ. കുഞ്ഞാണു് പടിയറ ജോസഫ് കുഞ്ഞല്ല സ്റ്റേറ്റ് കാൺഗ്രസ്സിനനുകൂലമായി പ്രവർത്തിച്ചതു് എന്നു മനസ്സിലായതു.

സർ, ഇതുപോലെയുള്ള റിപ്പോർട്ടുകൾ വച്ചുകൊണ്ടാണു്, ഇത്തരത്തിലുള്ള ഊഹാപോഹങ്ങളിന്മേൽ ആണു് ഇവിടെ ധാരാളം വ്യഭിചാരങ്ങൾ നടക്കുന്നുണ്ടെന്നും മറ്റും അനുമാനിക്കപ്പെട്ടിരിക്കുന്നതു്, എങ്കിൽ അതു് ഒരിക്കലും ശരിയല്ല. അങ്ങനെയുള്ള ഒരു അനുമാനത്തിന്മേൽ കൊണ്ടുവരപ്പെട്ടിട്ടുള്ള ഈ ബില്ലിനെ അനുകൂലിക്കുവാൻ നിവൃത്തിയില്ല. ഇതിൻെറ ഉദ്ദേശകാരണ വിവരണത്തിൽ പറയുന്നതു ഇതു ഉടനെ പാസാക്കേണ്ട ആവശ്യമില്ലെന്നും തിരുവിതാംകൂറിൻെറ എല്ലാ സ്ഥലങ്ങളിലും ഇതു ബാധകമാകേണ്ട കാര്യം ഇല്ലെന്നുമാണ്. ഉടനെ പാസാക്കേണ്ടാത്തതും എല്ലായിടത്തും പ്രയോഗിക്കേണ്ടാത്തതും ആയ ഒരു നിയമത്തെപ്പറ്റി പരിശോധിക്കുവാൻ വിചയേറിയ ഈ നിയമസഭയുടെ സമയം വ്യയം ചെയ്യുന്നതു തന്നെ ശരിയല്ലെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ ഈ ബില്ലിനെ എതിർക്കുന്നു.

MR. M. SIVATANU PILLAI (*Tovala* cum *Agastisvaram*) : Sir, I support the Bill moved by the Legal Remembrancer. I had occasion to note the arguments advanced by Mr. Kainikkara Padmanabha Pillai and Mr. Padiyara Joseph Kunju. I was rather surprised that these honourable members could not understand the object underlying the Bill. As I understand Mr. Kainikkara Padmanabha Pillai, he was rather jealous of safeguarding the position of the State with reference to immoral traffic. In other words if we gave sanction to the Bill being passed into law, outside people will understand that Travancore is full of immoral traffic and that there are brothels in every part of the State. I for one could not understand the rationale of the argument. As he himself said, in the Penal Code there is provision for the punishment of murder and theft ; but that does not mean that murders and thefts are common and are occurring here in a large number of places and occasions.

MR. KAINIKKARA M. PADMANABHA PILLAI: Does it not indicate that here are murders and thefts in Travancore?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. M. SIVATANU PILLAI: I would say the other way. There should be deterrent punishment for murders and thefts as they should not be repeated. Travancore did not go in for the Penal Code merely because there was a certain number of murders or thefts; it was not stated that because there were one hundred murders that Travancore should have the Penal Code. Here it is something more. The case of preventing immoral traffic should be viewed from the same point of view of preventing theft and murder. The one is concerned with loss of life and property. The other is concerned with the loss of prestige of women which is the very rock-bottom of society. I understand that sentiment is given a separate place in society. If there is no such sentiment, I do not think that this legislation will be justified.

MR. KAINIKKARA M. PADMANABHA PILLAI: What sentiment does he mean?

MR. M. SIVATANU PILLAI: Sentiment concerning the sanctity of sexual relationship.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is this a sentimental legislation?

MR. M. SIVATANU PILLAI: Yes. That is why I said that it is the very essence of the foundation of society. Sentiment underlies the foundation of moral existence. If that is undermined in any way the legislature should prevent it, if we have any pretence to culture and morality.

The other argument is that however much you pretend there is no immoral traffic in Travancore at least in the experience of the Legal Remembrancer there are one hundred brothels in Travancore. If that is so it is for the legislature to pass such a Bill to suppress them and prevent it from spreading. As my friend Mr. Joseph was saying, take the case of Nagercoil.

(At this stage the President took the Chair).

Before this measure was introduced by Government they asked for the opinion of the Municipalities in the State. The Nagercoil Municipality expressed the necessity for enacting a measure of this kind. I can say that there are about 20 or 25 brothels there which attract the young people as well as old. These houses are situated on the road from Ozhuganasseri to Clock Tower junction.

I thought these prostitutes were taken from outside the State. But on enquiry I was given to understand that they were not taken from outside-places but from neighbouring places like Kuzhithurai, Thucklay Munchira etc, to Ozhuganasseri and were housed in very small houses consisting of one or two small rooms. In fact there were some twenty or thirty such houses in Nagercoil on that road, a public thoroughfare. When I was the Municipal President I wanted to remove this evil. But there was no law enabling me to do so. I persuaded the police to stamp them out of the place. But I must confess with shame that it was of no use. Why should we close our eyes to the existence of such clear facts? If in Nagercoil such things happened day in and day out, why should others pretend to be better off! That is the question that I put to the members who are not prepared to accept this legislation. What

LIBRARY ARCHIVES Kerala Legislative Assembly

is the benefit of hiding such things as I can stand testimony to? Why should not this legislation be passed which would effectively remove this evil? There is a part of the town in Nagercoil known as Ozhuganasserri which is notorious for this purpose. People generally say (in the language of cinema) *mayabazaar* in Ozhuganasserri. Why should I ignore this and say that there is no such thing existing in Nagercoil? I do not know the state of Trivandrum. I should say that the condition of Trivandrum would be worse. Trivandrum is a more busy place than Nagercoil where ever so many people visit from outside. So Trivandrum should be subject to the necessary evil habit. Whatever might have been the state of affairs ten years back (as was quoted by Mr. Kainikkara Padmanabha Pillai) in 1941 it is in actual existence. Places like Nagercoil, Trivandrum and Alleppey should necessarily be subject to this evil practice. I ask honourable members coming from Alleppey to speak out their experience of the town. It is not correct to say that if we pass a legislation like this, all the prostitutes from the municipalities in a body will go and attack country parts. In country parts there is no good market for these people. Madras and Bombay are not very different from our Cities in the advancement or progress of social order. I ask honourable members to see whether it is not in the interest of preventing such diseases as gonorreah and syphilis that such a legislation is necessary and deserve to be passed by us. Statistics show that in western civilised countries more than 25 per cent. of the people sufferd from venerial diseases. Let us see that this disease is checked by effectively controlling immoral traffic. If there is such a case here it is all the more necessary why that should be prevented from spreading. It is our duty to see that such evil practice taking place very near our houses as Mr. D. C. Joseph pointed out is stamped out.

MR. K. R. NARAYANAN: ഏയും ബിയും കൂടി വ്യഭിചാരം നടത്തിയാൽ രണ്ടുപേരും കുറ്റക്കാരാകുകയില്ലയോ?

MR. M. SIVATANU PILLAI: Certainly not.

MR. K. R. NARAYANAN: സിയുടെ സഹായത്തോടുകൂടി നടത്തുകയാണെങ്കിലോ?

MR. M. SIVATANU PILLAI: I am not concerned about C. I am concerned only about two persons.

MR. KAINIKARA M. PADMANABHA PILLAI: But there is the third person concerned in the Bill.

MR. M. SIVATANU PILLAI: I would rather like to have the Bill as stringent as possible to prevent the slightest existence of immoral traffic. If the Bill is found to be ineffective in its working, we can bring forward amendments. What generally happens is that there will be two or three persons in a prostitutes' house. One will be sitting just outside the house soliciting persons, in fact, by show of hands. When you go inside the dark chamber, as often it is the case, you will see a leper very often with a mutilated limb. C is the person who invites the people. My position is that he should be dealt with more seriously.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAINIKKARA M. PADMANABHA PILLAI: Why are lepers kept in brothels?

MR. M. SIVATANU PILLAI: The leper is inside the house to commit adultry, as it is a job for them.

If there are one or two municipalities and the Corporation of Trivandrum having this evil, why should we not see that such a thing is prevented? That is the question that I have to put to the members of this House.

MR. P. S. MUHAMED: ഈ ബില്ലിനെ എതിർത്തുകൊണ്ട് എന്റെ പാർട്ടിയുടെ നേതാവായ മി. പത്മനാഭപിള്ള സംസാരിച്ചപ്പോൾ ഇതിനെ എതിർക്കണമെന്നതന്നെയായിരുന്ന ഞാനും വിചാരിച്ചിരുന്നത്. എന്നാൽ ഇപ്പോൾ നിയമവ്യാഖ്യാനത്തിനുശേഷം അല്പസ്വല്പമായി എന്റെ അനുഭവത്തിൽ പെട്ടിട്ടുള്ള ചില സംഗതികളെക്കൂടി വച്ചുകൊണ്ടു പര്യാലോചിച്ചപ്പോൾ ഈ ബില്ല് നമുക്ക് ഇന്നല്ലെങ്കിൽ നാളെ ഒഴിച്ചുകൂടുവാൻ പാടില്ലാത്ത ഒന്നായിരിക്കും എന്നുള്ളത് എനിക്കു ബോധ്യമായിരിക്കുന്നു. ആലപ്പുഴയിലും പരിസരങ്ങളിലും മി. ശിവതാണുപിള്ള പറഞ്ഞതുപോലെയുള്ള സംഭവങ്ങൾ നടന്നിട്ടുള്ളതായി എനിക്കറിയാൻ കഴിഞ്ഞിട്ടില്ലെങ്കിലും അവഹേളകരമായ സംഭവങ്ങൾ അവിടെയും നടക്കുന്നില്ലാ എന്നു പറയുവാൻ എനിക്കു ധൈര്യമില്ലാ. എന്നാൽ ഈ ബിൽ പാസാകുന്ന പക്ഷം ഇങ്ങനെയുള്ള നീചപ്രവർത്തനങ്ങൾക്കു ഒരു ശമനമുണ്ടാകുമെന്നുവരികിലും ഈ ബിൽ മൂലം പോലീസിനു കിട്ടാവുന്ന അധികാരങ്ങളെ അവർ ദുരുപയോഗപ്പെടുത്തുകയില്ലേ എന്നു ന്യായമായി സംശയിക്കാവുന്നതാണു. അങ്ങനെ വരുത്താതെ സൂക്ഷിക്കേണ്ട ചുമതലകൂടി ഗവണ്മെന്റിനുണ്ടു. ആ ഒരു അഭിപ്രായത്തോടുകൂടി ഞാൻ ബില്ലിനെ അനുകൂലിക്കുന്നു.

PRESIDENT: All possible precautions will be taken to lessen the chance for victimization and oppression by the Police.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, Honourable member Mr. Kainikkara M. Padmanabha Pillai challenged my statement by telling this House that I am not in a position to assure him or to give definite information as to the existence of the evil in the State. Another honourable member Mr. Joseph Kunju wanted me to point out to him any house which can be designated as a brothel. Both these are beyond the province of the Legal Remembrancer but I am of the opinion, and I have emphasised it more than once, that Government should arm themselves with a measure of this sort. Sir, Mr. Kainikkara Padmanabha Pillai read an extract from a speech delivered by me some time back when my predecessor Mr. Kayyalam Parameswaran Pillai was in charge of a measure to amend the Penal Code by the introduction of similar provisions. Late Mr. Krishna Aiyangar pointed out then that it would be

LIBRARY ARCHIVES Kerala Legislative Assembly

a blot on the character of the people of the State to place a measure of this kind on the Statute Book. He said that there was no brothel or prostitution here as they had in Bombay, Madras or Calcutta and to allow this measure to become law would be a blot on the national character and prestige of the people of Travancore. In opposing the measure, I am reported to have said that the evil of prostitution cannot be said to be prevalent in Travancore to any appreciable extent.

PRESIDENT: Does the honourable member now justify what he said then ?

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, the speech referred to is one that I made when I was a member of the Legislative Council ten years ago. And much water has flowed under the bridge since then. The population of Trivandrum has increased very much.... .....

PRESIDENT: Apart from that increase of population from 60 or 76 thousand to one lakh and 90 thousand, the population is composed of a floating section also.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, apart from the question of population there are other attractions in the city, for instance the water supply scheme, electric lights, concrete roads and the State Transport Service and several other amenities which were not even dreamt of when I made that speech. I am sure I shall not be justified in making such a statement today.

MR. PADIYARA JOSEPH KUNJU: അതുപോലെ പുറത്തുനിന്ന് ആളുകളെ ഇങ്ങോട്ട് വരുത്തുന്നതിന് ഇങ്ങനെയുള്ള വ്യഭിചാരികൾ ആകർഷണവസ്തുക്കൾ ആയിരിക്കുകയില്ലയോ ?

MR. PUTHUPALLI S. KRISHNA PILLAI: May be. To quote an argument advanced ten years ago in support of an opposition to a measure like this must be characterised as a little out of date or out of fashion. This measure has reference to the existing state of affairs. Mr. Sivathanu Pillai who has long been the President of the Nagercoil Municipal Council has frankly stated what he knows about this evil.

PRESIDENT: I do not think you need go further.

MR. KAINIKKARA M. PADMANABHA PILLAI: What about the other sentence of Mr. Puthupalli Krishna Pillai in his speech which he made ten years ago ?

MR. PUTHUPALLI S. KRISHNA PILLAI: That is also over ten years old.

MR. KAINIKKARA M. PADMANABHA PILLAI: What has the Legal Remembrancer to say if the Police Regulation is absent ?

MR. PUTHUPALLI S. KRISHNA PILLAI: In the Police Act, Sir, there is a provision which penalises open soliciting in public streets. That provision is found to be thoroughly insufficient and therefore additional provisions are proposed. I am aware some honourable members have expressed views which are not quite favourable to the provisions of the Bill but these can be considered by the Select Committee. But the House must be prepared to accept the principle contained in the Bill.

The motion was put and carried.

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SECRETARY: The title of the Bill shall be the "Travancore Suppression of Immoral Traffic Bill".

PRESIDENT: Having regard to the opposition that has been voiced here, you may include in the Select Committee all those who have definite views on the subject.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to move that the Travancore Suppression of Immoral Traffic Bill be referred to a Select Committee consisting of the following members.

Messrs:—
1. S. Chattanatha Karayalar
2. T. C. Kesava Pillai
3. P. V. Mathai Chemparathi
4. K. C. Karunakaran
5. Menatheri N. Kesava Panicker
6. Padiyara Joseph Kunju
7. Sahib Bahadur V. Chandamiah
8. Kainikara M. Padmanabha Pillai
9. J. E. A. Periera
10. E. P. Varughese
11. M. Sivathanu Pillai
12. N. Narayana Kurup
13. D. C. Joseph and
14. Srimathi T. Narayani Amma

R. A. GOPALA MENON: I second it.

The motion was put and carried.

THE TRAVANCORE EVIDENCE BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to introduce the Travancore Evidence Bill. Sir it was one of the recommendations of the Laws Delays Commissioner to enact a law of this kind in this State. In almost every decision we find the courts stating that the Indian Evidence Act is not law in Travancore, but its provisions are relevant. If one judge is not inclined to accept it, he says that he is not bound by the Indian Evidence Act. But at the same time there is another Judge who says that the provisions of the Indian Evidence Act are relevant and so he would accept it. Such is the practice in Court. This Bill is based on the Indian Evidence Act. Clause 30 of the Bill which deals with the relevancy of the confession of the accused against a co-accused mark a departure from the accepted rule. I move that the Bill be now read.

MR. A. GOPALA MENON: I second it.

The motion was put to vote and declared carried.

SECRETARY: The title of the Bill shall be the "Travancore Evidence Bill".

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I move that the bill may be referred to a Select Committee consisting of the following members:

Messrs:—
1. S. Chattanatha Karayalar
2. E. E. Pandarathil
3. N. V. Joseph

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